

REMARKS

Applicant has amended independent claims 33 and 61 to recite an L-arginine derivative. Independent claim 64 has been amended to delete leg ulcers and superficial ulcers. Various dependent claims have also been amended to provide proper antecedent basis.

Claims 33-35, 38-44, 47-53, 56-59, 61-67, 69, 70, and 72-81 are pending for examination.

Rejections in view of Carniglia

Claims 33-35, 51-53, 64-67, 69, 70, 72, 73, and 78-81 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under U.S.C. § 103(a) as being obvious over Carniglia, *et al.*, U.S. Patent No. 5,391,550 ("Carniglia").

In independent claims 33 and 61, Applicant has deleted "L-arginine." It is not seen where Carniglia discloses or suggests an L-arginine salt or an L-arginine derivative, as is recited in the independent claims, as amended.

With respect to independent claims 51 and 56, it is not seen where Carniglia teaches or suggests administering a substance to a selected area of skin where hair growth is desired. To the contrary, Carniglia teaches administering compounds to wounds.

Although Carniglia teaches applying a substance to a wound, Carniglia does not explicitly or inherently disclose or suggest topically applying a substance to a selected area of skin where hair growth is desired. It is not understood why one would desire hair growth on a topical wound, and it is not seen why the treatment of a wound would inherently lead to increased hair growth, as the Patent Office suggests. It is believed that increased blood flow or increasing ATP levels does not necessarily inherently lead to hair growth – if this were not the case, baldness could be cured merely by routine exercise or eating sugary foods, for example.

Regarding independent claim 64, Carniglia does not teach or suggest treating baldness, poor localized bloodflow, confinement to bed, or erectile dysfunction by increasing intracellular synthesis of ATP, nor would it be obvious that such conditions could be treated using the methods as taught in Carniglia for treating wounds.

Accordingly, it is believed that Carniglia does not anticipate or render obvious claims 33-35, 51-53, 64-67, 69, 70, 72, 73, and 78-81, for at least the reasons stated above, and it is therefore

respectfully requested that the rejection of these claims in view of Carniglia be withdrawn.

Double Patenting Rejection in view of 10/201,635

Claims 33-35, 38-44, 47-53, 56-59, 61-67, 69, 70, and 72-81 have been rejected under the judicially-created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-15 of U.S. Patent Application Serial No. 10/201,635.

As U.S. Patent Application Serial No. 10/201,635 has not yet been granted, Applicant respectfully requests deferral of this issue until the claims of this application and/or U.S. Patent Application Serial No. 10/201,635 have been more fully determined.


CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after the foregoing remarks, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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